

BEDFORD TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING MINUTES  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
December 5, 2016

PRESENT:

BOB POTTER, VICE CHAIRMAN, CITIZEN AT LARGE  
GEORGE WELLING, CITIZEN AT LARGE  
TOM ZDYBEK, PLANNING COMMISSION LIAISON  
ARVIND SHAH, ALTERNATE

EXCUSED:

RICK STEINER, TOWNSHIP BOARD LIAISON  
BRAD GREELEY, CHAIRMAN, CITIZEN AT LARGE

ALSO PRESENT:

PHIL GOLDSMITH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH  
DENNIS KOLAR, BUILDING OFFICIAL  
KAREN M. KINCAID, PLANNING AND ZONING ADMINISTRATOR  
JODIE L. RECTOR, PLANNING AND ZONING ASSISTANT, RECORDING SECRETARY

Potter called the Bedford Township Board of Zoning Appeals meeting to order at 7:00 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present.

**APPROVAL OF THE AGENDA**

*Motion by Welling, supported by Shah, to approve the agenda. Motion carried.*

**APPROVAL OF THE 2017 BEDFORD TOWNSHIP BZA MEETING SCHEDULE**

*Motion by Welling, supported by Zdybek, to approve the 2017 BZA Meeting Schedule. Motion carried.*

**APPROVAL OF THE MINUTES**

*Motion by Zdybek, supported by Welling, to approve the minutes of October 3, 2016. Motion carried.*

**PUBLIC COMMENT (LIMIT 3 MINUTES)**

None

**NEW BUSINESS**

- A) 7:04 P.M. OPEN THE PUBLIC HEARING REGARDING THE APPEAL OF JEFFERY HOFFMAN AND LYNN VANDERSON, 2118 STONEYBROOK LANE, TEMPERANCE, MI 48182, REQUESTING A VARIANCE TO ALLOW AN ACCESSORY BUILDING IN A FRONT YARD PER SECTION 400.1903, "ACCESSORY BUILDINGS", IN AN R-2A, SINGLE FAMILY RESIDENTIAL DISTRICT ON LAND DESCRIBED AS 5802-028-017-20, 2118 STONEYBROOK LANE, TEMPERANCE, MI 48182.**

Mr. Goldsmith advised Mr. Hoffman he would need three affirmative votes to grant the variance request or he could choose to table the request to the next month with a full board. Mr. Hoffman requested to move forward.

Kincaid went over the analysis stating the applicant is seeking a variance to allow construction of an approximate 1200 square foot accessory building in the front yard. Per Section 400.1903 (4), which states an accessory building shall not be erected in any minimum side yard setback nor in any front yard pursuant to the "Schedule of Regulations". Per Section 1903 "Accessory Building Table" in an R-1 through R-3, AG, RT, RM and RME zoning district, a parcel size of more than 3 acres allows 1) a total of 3 accessory buildings not totaling more than 4,500 square feet, 2) allows buildings to have a maximum height of 14', 3) requires a 10' minimum setback from any building, and 4) requires a 5' setback from side and rear property lines. Kincaid stated while the request meets all the required setbacks, a variance to allow construction of the proposed accessory building in the front yard is required. Kincaid noted the applicants have indicated in their provided letter that the variance request is required due to the angle of the proposed building encroaching approximately 15 +/- feet in front of the existing dwelling, further saying the applicant has implied when determining the location of the proposed accessory building there are several unique circumstances on the property: heavily wooded, several large low lying areas which would require fill to bring up the soil level to a dry state and also due to the location of the existing leach field. Kincaid said at this time no letters or calls of objection have been received, however the applicant has supplied two signatures of no objection from the neighboring properties.

**Jeffery Hoffman- 2118 Stoneybrook Lane-** Mr. Hoffman stated the foundation is already poured but construction has stopped to submit the request. Mr. Hoffman added this request is to gain a resolution as Mr. Hoffman thought the architect had handled the requirements of the township. Mr. Hoffman stated he has now contracted with Mr. Bankowski to finish building the accessory building and complete the project should the request be granted. Mr. Hoffman noted he knows he is ultimately responsible as the home owner to meet the requirements of the township.

Shah inquired on the distance from Stoneybrook Lane and Mr. Hoffman stated the structure is at least 100 yards off Stoneybrook Lane, adding it is hard to determine, as the property is on a cul-de-sac.

**Keith Lawn- 2126 Stoneybrook Lane-** Mr. Lawn stated he has no objection to the location of the proposed structure. Mr. Lawn stated there would be no harm to his property as he would be directly affected as a neighboring property.

***Motion by Shah, supported by Welling, to close the public hearing at 7:14 p.m. Motion carried.***

Board members discussed the location of the proposed accessory building and the issues with the parcel. Further discussion on if the applicant poured the footers before or after the Building Official, Dennis Kolar, advised him of the variance needed. Kolar clarified contact was made and the required setback was supplied on the plot plan submitted for permit application, and was provided to the applicant before the footers were poured. Mr. Goldsmith said as the applicant has stated the Architect agreed to act as the general contractor and Mr. Hoffman believed the building requirements were being satisfied. Mr. Goldsmith advised the board that Mr. Hoffman

has supplied several practical difficulties with the property why the accessory building location was decided upon.

***Motion by Shah, supported by Welling, to grant the request of Jeffery Hoffman and Lynn Vanderson, 2118 Stoneybrook Lane, Temperance, MI 48182, requesting a variance to allow an accessory building in a front yard per Section 400.1903, "Accessory Buildings", in an R-2A, Single Family Residential District on land described as 5802-028-017-20, 2118 Stoneybrook Lane, Temperance, MI 48182 with the practical difficulty being an irregular parcel, a heavily wooded area, low lying area with drainage issues, location of the leach field, depth of the property, building permit was issued properly with lack of communication on the architect, and there are no objections from either the neighboring properties.***

***Roll call as follows: Voting Aye: Shah, Welling and Potter Excused: Greeley and Steiner Voting Nay: Zdybek. Motion carried.***

***PUBLIC COMMENT –***

*Tim McAfee-9837 Pamela Drive- Mr. McAfee inquired on the Township Hall Building being owned by the tax payers of the Township and putting up lights for the holiday. Mr. Goldsmith stated public comment time is for comments not questions and answers. Mr. Goldsmith suggested Mr. McAfee discuss that further with the Supervisor. Mr. McAfee asked Kolar where there was electricity outside on the Township Hall Building. Kolar stated electricity is everywhere. Mr. McAfee asked who is responsible for replacing the flag, and Kolar advised Mr. McAfee to speak further with the Supervisor.*

***COMMISSION / STAFF COMMENT –***

*Welling thanked the Board Member, staff and legal as he has enjoyed serving on the board as there is some uncertainty if will be reappointed.*

*Zdybek agreed with Welling.*

*Kolar wished the board Happy Holidays.*

*Kincaid stated in speaking with the Supervisor he will be making decisions and appointments at the December 20, 2016 Meeting. Kincaid also pointed out due to the holiday schedule the change in Monday meeting dates. Kincaid advised all who are appointed or reappointed to be sworn in before the January 10, 2017 meeting.*

***ADJOURNMENT – The meeting was duly adjourned at 7:31 p.m.***

*Respectfully submitted,*

*Jodie L. Rector*

*Recording Secretary*